

(5) **PRODUCT RETURNS.** Frozen desserts shipped from the plant on sale or consignment, and returned in broken or opened containers or in containers from which product has been partially removed, may be accepted by the plant for credit determination but shall not be sold or used for human consumption.

(6) **DRIPPINGS OR SPILLED PRODUCTS.** The use of drippings or spilled products in the processing or sale of frozen desserts is prohibited.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; am. (2), Register, January, 1983, No. 325, eff. 2-1-83.

Ag 70.09 Packaging and labeling. (1) **PACKAGING.** Frozen desserts shall be packaged in commercially acceptable containers and packaging materials which will protect the quality of the product from possible contamination in regular channels of trade. The packaging, cutting, molding, dispensing and other handling or preparation of frozen desserts and their ingredients shall be conducted in a sanitary manner.

(2) **MULTI-USE CONTAINERS.** Metal and fiber glass multi-use cans or containers for frozen desserts or frozen dessert mixes shall be kept clean and dry. When used for transporting frozen dessert mixes they shall be rinsed immediately after emptying, be cleaned upon return to the plant, and protected from contamination during periods of storage. Metal cans and containers shall be free from rust and corrosion. Paper and plastic containers, liners, covers or other materials coming in contact with frozen desserts and frozen dessert mixes shall be so kept, handled, stored, and used as to prevent their contamination. Single-service paper and plastic containers are non-returnable and shall not be reused for any frozen desserts, frozen dessert mixes or their ingredients.

(3) **LABELING.** (a) All packages of frozen desserts, including cans or other containers of frozen dessert mixes, shall be labeled in compliance with state and federal labeling laws.

(b) Labels on cans or packages of frozen desserts and frozen dessert mixes shall include thereon the name and address of the manufacturing plant, or a code number assigned to the plant by the department. If more than one plant is operated by the same manufacturer, the name and address or code number on the label shall be that of the plant where the product was actually manufactured.

(c) The label on all packages of ice cream mix and ice milk mix shall include the percent of milk fat present in the mix and a statement of all ingredients comprising the mix in descending order of prominence by weight.

(4) Dry frozen dessert mixes shall be packaged in single batch containers such that the total content of the dry mix will be reconstituted with potable water at one time in the container. Such packaging shall be in a manner that the container is sealed prior to the addition of the potable water.

History: Cr. Register, January, 1975, No. 229, eff. 2-1-75; cr. (3) (c) and (4), Register, January, 1983, No. 325, eff. 2-1-83.

Ag 70.10 Standard of identity of frozen yogurt, labeling. (1) Frozen yogurt is a food prepared by freezing, while stirring, a mix composed of whole milk, lowfat milk, skim milk or other milk products, or any combination of those ingredients. Frozen yogurt may be made with or without

fruits, nuts, flavoring materials, sweeteners, stabilizers, or emulsifiers, and may include any other safe and suitable ingredient approved by the department. Each ingredient contained in the mix, with the exception of fruits, nuts, and flavoring materials, shall be pasteurized. The mix after pasteurization, or the whole milk, lowfat milk, skim milk or other milk products after pasteurization and before becoming part of the mix, shall be cultured at the pasteurization plant by one or more strains of approved bacterial cultures. The cultured portion of the mix shall be at least 25% of the final mix. The name of the finished product is frozen yogurt. It shall weigh not less than 4.5 pounds per gallon and the milk fat content shall be not less than 0.5% nor more than 7%.

(2) All provisions of this chapter shall apply to frozen yogurt and frozen yogurt mix, except the standard plate count under s. Ag 70.08 (1) (b) 1., shall not apply after the addition of the approved bacterial culture.

(3) The label on a package of frozen yogurt, in addition to other required information, shall contain an ingredient declaration in descending order of predominance and a butterfat declaration.

(4) Frozen yogurt mix is a mixture of frozen yogurt ingredients before being processed and frozen as a frozen yogurt.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. (1), Register, June, 1992, No. 438, eff. 7-1-92.

Ag 70.11 Ice cream and ice milk standards of identity. Ice cream and ice milk shall conform to the standards of identity in 21 CFR, sections 135.110 and 135.120 respectively. In addition to the required percentages of milk fat and nonfat milk solids (NFMS), the following minimum levels of protein for the corresponding levels of milk fat and NFMS shall be present in ice cream and ice milk sold in this state.

ICE CREAM

Percent Milk Fat	Minimum Percent Nonfat Milk Solids	Minimum Percent Protein
10	10	2.70
11	9	2.55
12	8	2.40
13	7	2.25
14	6	2.10

ICE CREAM CONTAINING BULKY FLAVORS

Percent Milk Fat	Minimum Percent Nonfat Milk Solids	Minimum Percent Protein
8	8	2.40
9	8	2.40